

REMARKS

In the Final Office Action of March 3, 2010, claims 1, 2, 6, 7, 9, 17, 18 and 20 to 23 are pending of which claims 1, 2, 6, 7, 9, 17, 18 and 20 to 23 are rejected.

In particular:

- Claim 1 is rejected under 35 U.S.C. 112
- Claims 1, 2, 6, 9, 17, 18, 20, 22 and 23 are rejected under 35 USC 103(a) as being as being unpatentable over Brightbill (US 2003/0204245) in view of Cox et al (US 5,824,040)
- Claims 7 and 21 are rejected under 35 USC 103(a) as being unpatentable over Brightbill (US2003/0204245) in view of Cox et al (US 2002/0120327) and further in view of McNamara et al (US 6,004,347)

CLAIM AMENDMENTS

Claim 1 is amended to clarify the claimed invention and to ensure support from the specification. We thank the Examiner for bringing this to the attention of the Applicants.

We submit that in making these amendments no new subject matter has been added.

DISCUSSIONClaim 1

Claim 1 is rejected under 35 USC 103(a) as being as being unpatentable over Brightbill (US 2003/0204245) in view of Cox et al (US 5,824,040)

The Examiner has maintained the cited reference Brightbill because he reads into paragraph [0023] that the item 120 is a covered portion of a stent graft. In fact, nothing could be further from the truth. The "therapeutic coating 120" to which the examiner has referred to in the Final Office Action is not a biocompatible graft material but a coating which is applied to the metal struts of the stent for purely therapeutic purposes. In fact, Brightbill specifically states that "the coating covers only the stent framework and does not also cover the openings or cells there between." Therefore Brightbill specifically teaches away from the claimed invention.

As was indicated in the previous response in relation to the cited reference

Cox et al we submit that this reference does not show the specific claimed structure of flexible links. There is also no teaching or suggestion in Cox et al of a plurality of linked stents with only some of those stents being covered, as discussed above and the rest being uncovered.

We submit that for these reasons Claim 1 is patentable over Brightbill (US 2003/0204245) in view of Cox et al (US 5,824,040).

Claims 2, 6, and 9

Claims 2, 6 and 9 are rejected under 35 USC 103(a) as being as being unpatentable over Brightbill (US 2003/0204245) in view of Cox et al (US 5,824,040). These claims depend from a patentable claim 1 as discussed above and hence we submit that Claims 2, 6 and 9 are also patentable over Brightbill (US 2003/0204245) in view of Cox et al (US 5,824,040).

Claims 17, 18, 20, 22 and 23

Claims 17, 18, 20, 22 and 23 are rejected under 35 USC 103(a) as being as being unpatentable over Brightbill (US 2003/0204245) in view of Cox et al (US 5,824,040).

Claim 17 is of substantially the same scope as Claim 1 which is patentable as discussed above and hence we submit that Claim 17 and Claims 18, 20, 22 and 23 which depend from it are also patentable over Brightbill (US 2003/0204245) in view of Cox et al (US 5,824,040).

Claims 7 and 21

Claims 7 and 21 are rejected under 35 USC 103(a) as being unpatentable over Brightbill (US 2003/0204245) in view of Cox et al (US 2002/0120327) and further in view of McNamara et al (US 6,004,347)

As discussed above the reference Brightbill does not each or suggest the covered and uncovered portions of a stent assembly.

Cox et al (US 2002/0120327) is a divisional of a continuation of Cox et al (US 5,824,040) and therefore has the same subject matter and for the same reasons as discussed in relation to Claim 1 we submit that Claims 7 and 21 are not taught or

suggested by Cox et al (US 2002/0120327).

There is no teaching or suggestion in Cox et al (US 2002/0120327) of a plurality of linked stents with only some of those stents being covered (as correctly understood), as discussed above and the rest being uncovered.

Claims 7 and 21 depend from patentable Claims 1 and 17 respectively as discussed above and hence we submit that Claim 7 and 21 are patentable. The deficiencies of the references Brightbill and Cox et al as enumerated above are not taught or suggested by the reference McNamara et al. (US 6,004,347)

Summary

None of the cited references Cox et al (US 5,824,040), Cox et al (US 2002/0120327), Brightbill (US 2003/0204245) and McNamara et al (US 6,004,347) whether taken singly or in any allowable combination anticipate, teach or suggest the claimed invention.

Overall we submit that all claims are not anticipated and are patentable over the cited references.

The re-examination and reconsideration of this application is respectfully requested and it is further requested that this application be passed to issue.

Although the foregoing discussion is believed to be dispositive of the issues in this case, applicants' attorney requests a telephone interview with the Examiner to further discuss any unresolved issues remaining after the Examiner's consideration of this amendment.

Respectfully submitted,

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Date: _____

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By _____

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